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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEWIS DEAN ARMSTRONG,

Defendant.

CASE NO.

2013-474

COMPLAINT for VIOLATION

United States Code, Title 18

Sections 1153, 2241(c) and 2246(2)(B)

BEFORE the Honorable James P. Donohue, United States Magistrate Judge,  
Seattle, Washington,

The undersigned complainant being duly sworn states:

COUNT 1

(Aggravated Sexual Abuse)

On or about March 16, 2013, on tribal trust land of the Lummi Indian Reservation,  
Indian Country as defined by Title 18, United States Code, Section 1151, and within the  
Western District of Washington, LEWIS DEAN ARMSTRONG, an enrolled tribal member  
of the Lummi Nation Indian Tribe, did knowingly engage in a sexual act, that is contact  
between the mouth and vulva, with "AJ," a minor female who had not attained the age of  
twelve years at the time of the sexual act.

1 All in violation of Title 18, United States Code, Sections 1153 and 2241(c) and  
2 2246(2)(B).

3 The undersigned complainant being duly sworn further states:

4 1. I, Linwood E. Smith III, am a Special Agent of the Federal Bureau of  
5 Investigation (FBI), assigned to the Bellingham, Washington, Resident Agency of the  
6 Seattle, Washington Field Office. I have been employed by the FBI as a Special Agent for  
7 over fourteen years. In that time I have investigated cases involving the sexual abuse of  
8 minors occurring in Indian Country.

9 2. The information set forth in this affidavit is the result of an investigation  
10 conducted by myself, Detective Kelly Long of the Lummi Nation Tribal Police Department,  
11 and other law enforcement officers as attributed. Because this affidavit is made for the  
12 limited purpose of establishing probable cause, I have not listed each and every fact known  
13 to me concerning this investigation.

14 3. I reviewed a report prepared by Lummi Nation Tribal Police Officers Tracy  
15 Ginn, Daryl James, and Detective Long and learned the following: On March 16, 2013,  
16 Officer Tracy Ginn responded to 3009 Smokehouse Road, Bellingham, Washington, to  
17 address a child molestation complaint. Upon arrival, Rebecca Julius told Officer Ginn that  
18 her daughter AJ said "Uncle Louie" (LEWIS DEAN ARMSTRONG) had "licked her  
19 bottom" while AJ was staying with her father Rodney Julius, Jr. at 3011 Smokehouse Road.

20 4. Officer Ginn called Detective Long, who interviewed Rebecca Julius at the  
21 Lummi Nation Police Department. During the interview, Julius told Detective Long she  
22 regularly leaves AJ with Jolene Armstrong (AJ's grandmother) at 3011 Smokehouse Road  
23 while she works at the Silver Reef Casino. Julius said that AJ sleeps on Armstrong's couch  
24 during these visits, which occur approximately five days a week. Julius stated she picks AJ  
25 up from Armstrong's house when she finishes working and takes AJ home each night.

26 5. Julius said she picked AJ up from Armstrong's house at approximately 3:00  
27 a.m. on March 16, 2013. Julius stated that at approximately 10:30 a.m. that same morning,  
28

1 AJ woke her up and told her that "Uncle Louie" woke her up during the night, took her into  
2 his room, and touched her bottom.

3 6. According to Julius, she then called AJ's father, Rodney Julius, Jr. (Rodney),  
4 who told her that AJ had fallen asleep in his room on the evening of March 15, 2013, and  
5 that he had carried her out to the couch later that evening. Julius said Rodney told her that  
6 ARMSTRONG came home at approximately 1:15 a.m. on March 16, 2013 and that he had  
7 last seen AJ on the couch at approximately 1:30 a.m. that same morning. Julius also said that  
8 Rodney told her that he talked to Richard Solomon, another occupant in the house, about  
9 what AJ told Julius, and Solomon told him that he should contact the police.

10 7. After interviewing Julius, Detective Long conducted a child forensic interview  
11 of AJ. I was present, but did not take an active role in the interview. During the forensic  
12 interview, AJ told Detective Long that she had stayed overnight at her dad's house, that she  
13 had fallen asleep in her dad's bed, that "Uncle Louie" came and took her to his room, and  
14 that "Uncle Louie" licked her butt.

15 8. Later in the interview, Detective Long asked AJ to identify parts of the body  
16 when she pointed to them on stick drawings of the front and back of human figures. AJ  
17 correctly identified the head, hands, and feet of the figure, and she identified the front genital  
18 area of the figure as a "vagina" and the rear as a "butt." When Detective Long asked AJ  
19 where on her "butt" that "Uncle Louie" had licked her, AJ said he had licked her vagina.

20 9. AJ then told Detective Long that "Uncle Louie" put her on his bed laying face  
21 up, took off her pants and underwear, and licked her vagina with his tongue. When asked if  
22 ARMSTRONG touched her vagina with any other part of his body, AJ said "no."

23 10. LEWIS ARMSTRONG was arrested on tribal charges a short time later, and  
24 was interviewed by myself and Detective Long. We read ARMSTRONG his Miranda  
25 warnings, and he agreed to waive his rights and talk to us. During the interview,  
26 ARMSTRONG said he remembers drinking heavily at Audrey Bunton's house the night of  
27 March 15, 2013 and then waking up at home (3011 Smokehouse Road) on March 16, 2013.

1 He acted surprised when he was told that someone accused him of sexually assaulting a  
2 child, and said that only a "sick person" would do something like that.

3 11. During the interview, ARMSTRONG acknowledged that AJ is his niece, that  
4 she is six years old, and that she calls him "Uncle Louie." ARMSTRONG maintained  
5 throughout the interview that he did not remember anything between leaving Bunton's house  
6 on March 15, 2013 and waking up in his bedroom at 3011 Smokehouse Road the next day,  
7 and he did not admit to ever having any inappropriate contact with AJ.

8 12. Although AJ went to the hospital for an examination on March 16, 2013, the  
9 nurse on duty was uncomfortable performing a sexual assault exam on a 6-year-old child.  
10 After learning that the hospital did not examine AJ, Detective Long had Julius bring the  
11 clothes AJ was wearing when she was allegedly assaulted by ARMSTRONG to the Lummi  
12 Nation Police Department, where they were subsequently entered into evidence.

13 13. AJ received a forensic medical exam on March 19, 2013, the results of which  
14 were "normal." According to the report, a "normal" examination could result from 1) no  
15 sexual contact; 2) sexual contact occurring without tissue injury; or 3) sexual contact  
16 occurring with tissue injury which healed without scar formation. The report further stated  
17 that a "normal" result neither confirms nor rules out a report of sexual abuse.

18 14. On March 27, 2013, the following individuals, who were occupants in the  
19 house at the time of the sexual assault, were interviewed: Rodney Julius, Jr., Anna  
20 Washington, Jolene Armstrong, and Richard Solomon. They each stated that  
21 ARMSTRONG was in the house during the early morning hours of March 16, 2013.  
22 Rodney Julius said that he was awake when ARMSTRONG returned home drunk at about  
23 1:30 a.m. that morning. Solomon said he saw ARMSTRONG standing near the woodstove  
24 at approximately 2:00 a.m. that morning, but said he did not look to see if any kids were on  
25 the nearby couch. None of these individuals said they saw ARMSTRONG with AJ on  
26 March 16, 2013.

27 15. On May 28, 2013, defense attorneys working for ARMSTRONG interviewed  
28 AJ, Rodney Julius, Jr., and Rebecca Julius. According to a Lummi tribal prosecuting

1 attorney who was present during the interviews, both Rodney and Rebecca Julius  
2 purportedly denied the accuracy of some of the statements they had previously provided to  
3 me and Detective Long. The tribal prosecuting attorney, however, further stated that AJ  
4 reported, as she had previously, that "Uncle Louie" had licked her vagina.

5 16. On June 14, 2013, Detective Long learned that AJ's underwear, previously  
6 submitted to the Washington State Police Crime Laboratory, had tested positive for a protein  
7 commonly found in feces, breast milk and saliva and that this protein contained DNA  
8 suitable for comparison. The underwear also had trace amounts of semen present on it, but  
9 there was not enough semen for DNA comparison.

10 17. On June 19, 2013, Detective Long and I obtained a DNA sample from  
11 ARMSTRONG pursuant to a search warrant obtained in Lummi Tribal Court. Later that  
12 same day, we also obtained a DNA sample from AJ, with the consent of her father.  
13 Detective Long entered both DNA samples into evidence and forwarded them to the  
14 Washington State Police Crime Lab for comparison to the DNA found in AJ's underwear.

15 18. On July 16, 2013, the Washington State Crime Lab notified the Lummi Nation  
16 Police Department that the major contributor of DNA found in AJ's underwear was AJ.  
17 DNA from a second individual was also detected, but the amount of this individual's DNA  
18 available for testing was too small for comparison with the standard test utilized by the WSP  
19 lab.

20 19. A different DNA test focusing on genetic markers found on the "Y" (male)  
21 chromosome was then used by the WSP lab to compare the second individual's DNA to the  
22 sample collected from ARMSTRONG on June 19, 2013. This test is commonly referred to  
23 as "Y-STR" DNA testing, and although it is useful for comparison of smaller amounts of  
24 male DNA mixed with larger amounts of female DNA, it often results in identification of a  
25 larger population of potential contributors that includes other male members of a given  
26 family line.

27 20. On August 9, 2013, the WSP lab notified Detective Long that  
28 ARMSTRONG's Y-STR DNA profile matches the male DNA that was found in AJ's

1 underwear, and that as a result ARMSTRONG and any of his paternal male relatives could  
2 be contributors of the aforementioned DNA. The report further states that this DNA profile  
3 has been observed two times in the U.S., and that the profile is not expected to occur more  
4 frequently than 1 in 2,500 males in the U.S. population.

5 21. No other paternal male relatives of ARMSTRONG are known to be alive at  
6 this time, and no paternal male relatives of ARMSTRONG were present at 3011  
7 Smokehouse Road the night that AJ was sexually assaulted.

8 22. On July 22, 2013, Rebecca Julius gave me several letters that ARMSTRONG  
9 mailed to Rodney Julius. In the letters, ARMSTRONG claims he cannot remember  
10 assaulting AJ, but he also writes that the family should get him out of jail and beat him so AJ  
11 "...can see her mom and dad bet (beat) on me well (while) I cry out in pain that I am sorry  
12 and that it'll never happen again." ARMSTRONG also asks the family to forgive him and  
13 allow him to go into the smokehouse "...until they can take the evil out of me..."

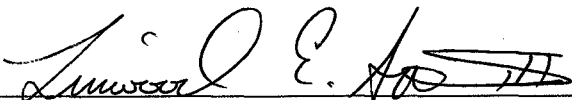
14 23. During the course of the investigation, I confirmed that 3011 Smokehouse  
15 Road, Bellingham, Washington is located on tribal trust land on the Lummi Indian  
16 Reservation and that LEWIS DEAN ARMSTRONG is an enrolled member of the Lummi  
17 Nation Indian Tribe, a federally-recognized Indian Tribe.

18 //

19 //

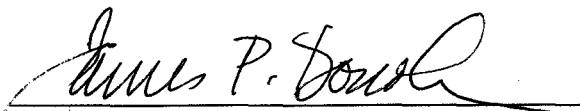
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24. Based on my training and experience as a Special Agent and the information contained in this Affidavit, I submit there is probable cause to believe that LEWIS DEAN ARMSTRONG, an enrolled member of the Lummi Nation Indian Tribe, while on tribal trust land of the Lummi Indian Nation, knowingly engaged in a sexual act, that is contact between the mouth and vulva, with AJ, a minor female who had not attained the age of twelve years at the time of the sexual act, all in violation of Title 18, United States Code, Sections 1153, 2241(c) and 2246(2)(B).

  
LINWOOD E. SMITH III, Complainant  
Special Agent, FBI

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the defendant committed the offense set forth in the Complaint.

Dated this 20<sup>th</sup> day of September, 2013.

  
JAMES P. DONOHUE  
United States Magistrate Judge



## UNITED STATES DISTRICT COURT

for the

Western District of Washington

United States of America

v.

LEWIS DEAN ARMSTRONG

Case No.

W13-474

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

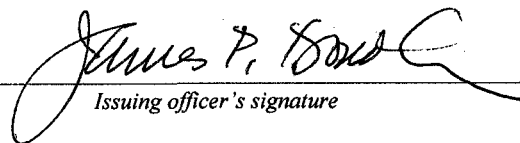
**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) LEWIS DEAN ARMSTRONG,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment   
 ☐ Superseding Indictment   
 ☐ Information   
 ☐ Superseding Information   
☒ Complaint  
☐ Probation Violation Petition   
☐ Supervised Release Violation Petition   
☐ Violation Notice   
☐ Order of the Court

This offense is briefly described as follows:

Title 18, United States Code, Sections 1151, 1153, 2241(a)(1) and 3242.

Date: 09/20/2013City and state: Seattle, Washington


Issuing officer's signature

James P. Donohue, United States Magistrate Judge

Printed name and title

## Return

 This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
 at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title



**This second page contains personal identifiers provided for law-enforcement use only  
and therefore should not be filed in court with the executed warrant unless under seal.**

*(Not for Public Disclosure)*

Name of defendant/offender: LEWIS DEAN ARMSTRONG

Known aliases: \_\_\_\_\_

Last known residence: 3009 Smokehouse Road, Bellingham, WA

Prior addresses to which defendant/offender may still have ties: 2692 Setting Sun Circle, Bellingham, WA;  
2505 Scott Road, Bellingham, WA

Last known employment: Fishing

Last known telephone numbers: None

Place of birth: \_\_\_\_\_

Date of birth: 02/18/1965

Social Security number: 534-56-2300

Height: 6'1" Weight: 175

Sex: Male Race: Native American

Hair: Black Eyes: Brown

Scars, tattoos, other distinguishing marks: \_\_\_\_\_

History of violence, weapons, drug use: \_\_\_\_\_

Known family, friends, and other associates (name, relation, address, phone number): \_\_\_\_\_

FBI number: \_\_\_\_\_

Complete description of auto: \_\_\_\_\_

Investigative agency and address: FBI Seattle, 1110 Third Avenue, Seattle WA 98101

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): \_\_\_\_\_

Date of last contact with pretrial services or probation officer (if applicable): \_\_\_\_\_